

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOSEPH MANTHA, *on behalf of himself  
and all others similarly situated,*

Plaintiff,

v.

QUOTEWIZARD.COM, LLC,

Defendant.

Civil Action No. 1:19-cv-12235-LTS

**DEFENDANT’S NOTICE TO COURT OF FILING OF MOTION TO QUASH BY  
NON-PARTY DRIPS HOLDINGS, LLC**

Defendant QuoteWizard.com, LLC (“QuoteWizard”) respectfully submits this Notice to inform the Court that non-party Drips Holdings, LLC (“Drips”) has filed, on March 12, 2021, a Motion to Quash the Subpoena for documents issued by QuoteWizard to Drips for the records at issue in ECF No. 144 (the 46,000 consumer comments made to Drips at the time of making a “do not call” request), in the U.S. District Court for the Northern District of Ohio (Akron). For the Court’s reference, attached hereto as exhibits are Drips’s Motion to Quash (**Exhibit 1**), Memorandum in support thereof (**Exhibit 2**), Declaration of Eric J. Troutman, Esq. (**Exhibit 3**), and the partially redacted Declaration of Tom Martindale (**Exhibit 4**).<sup>1</sup> The original action to

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<sup>1</sup> QuoteWizard omits other portions of Drips’s filings related to the Motion to Quash, such as the Civil Cover Sheet, additional exhibits, and a motion to seal an exhibit thereto, as the purpose of this filing is to provide the Court with Notice of the Motion itself (and the major bases upon which it relies). Should the Court determine that it would prefer to reference the entirety of Drips’s filings, QuoteWizard can file copies of all such documents.

quash has been assigned Case No. 5:21-cv-00594 in the N.D. Ohio. As of the time of this filing, there has been no judicial assignment or judicial action taken.<sup>2</sup>

The Motion to Quash is directly relevant to QuoteWizard’s pending Motion for Reconsideration of ECF No. 144 [*see* ECF Nos. 149-151], as the Subpoena is the only possible means for QuoteWizard to obtain the subject records at issue in ECF No. 144 and Drips has continued to refuse to produce them and has now moved to quash the Subpoena.

In Drips’s Memorandum, it again confirms that these records are not in QuoteWizard’s possession, custody, or control and confirms that Drips refuses to produce them:

A federal court in Massachusetts has ordered the production of records from a party before it—QuoteWizard, LLC (“QuoteWizard”)—that are simply not within its possession or control. See *Mantha v. QuoteWizard.Com, LLC*, 1:19-cv-12235-LTS (D. Mass.) (the “underlying action”). Instead, ***the records at issue are within the exclusive possession and control of Drips***—a non-party company to the underlying action that is not subject to the jurisdiction of the Massachusetts Court.

Without hearing from Drips regarding the massive burden that the production would impose—and despite the fact that the plaintiff in that suit has made no effort to pursue the records from Drips—the Court in Massachusetts has, nonetheless, ordered QuoteWizard to produce certain records in Drips’ possession. This, in turn, has lead QuoteWizard to demand an immediate production of the records by Drips—even though it has no contractual right to make such a demand—and then issue a Subpoena (attached hereto as Exhibit A) that does not take into account the unreasonable burden the demanded production would impose upon Drips.

Ex. 2, p. 1 (emphasis added).

[Signatures on Next Page]

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<sup>2</sup> On March 15, 2021, a docket entry indicated that the case had been improperly filed as a civil, rather than miscellaneous, case and would be terminated. Thus, the case number will likely change once Drips re-files as a miscellaneous case.

Respectfully submitted,

QuoteWizard.com, LLC,  
By its attorneys,

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Dated: March 15, 2021

CERTIFICATE OF SERVICE

I, Kevin P. Polansky, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: March 15, 2021

/s/ Kevin P. Polansky